

**Introduced by Senator Vidak**

February 20, 2014

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An act to amend Sections 39800 and 39820 of, and to add Section 41857 to, the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1166, as introduced, Vidak. Education finance: home-to-school transportation.

Existing law authorizes the governing board of any school district to provide for the transportation of pupils to and from school whenever, in the judgment of the governing board, the transportation is advisable and good reasons exist therefor. Existing law also authorizes school district governing boards to provide for the transportation of certain pupils who have reached 3 years and 9 months of age and are enrolled in specified special education classes. Existing law provides for the state reimbursement of the costs of this transportation through the apportionment of transportation allowances that are calculated in accordance with designated data.

This bill would require that, commencing with the 2014–15 fiscal year, school districts would receive state reimbursement for the full cost of the home-to-school transportation of pupils. The bill would specify that, for its purposes, “school districts” would include charter schools and county offices of education. The bill would require the State Department of Education to develop and implement procedures for the submission by school districts of information regarding their costs of home-to-school transportation of pupils, and would further require that these costs would be reimbursed through an appropriation included in the annual Budget Act.

The bill would render the current system of apportioning transportation allowances to local educational agencies inoperative as of July 1, 2014.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 39800 of the Education Code is amended  
2 to read:

3 39800. (a) The governing board of any school district may  
4 provide for the transportation of pupils to and from school  
5 whenever, in the judgment of the governing board, the  
6 transportation is advisable and good reasons exist therefor. The  
7 governing board may purchase or rent and provide for the upkeep,  
8 care, and operation of vehicles, or may contract and pay for the  
9 transportation of pupils to and from school by common carrier or  
10 municipally owned transit system, or may contract with and pay  
11 responsible private parties for the transportation. These contracts  
12 may be made with the parent or guardian of the pupil being  
13 transported. A governing board may allow the transportation of  
14 preschool or nursery school pupils in schoolbuses owned or  
15 operated by the district. A state reimbursement may not be received  
16 by a district for the transportation of preschool or nursery school  
17 pupils.

18 (b) As used in this article, ~~“municipally owned transit system”~~ *“municipally article:*

19 (1) *“Municipally owned transit system”* means a transit system  
20 owned by a city, or by a district created under Part 1 (commencing  
21 with Section 24501) of Division 10 of the Public Utilities Code.

22 (2) *“School district”* includes a charter school and a county  
23 office of education.

24 (c) *A school district shall receive state reimbursement for the*  
25 *full cost of the home-to-school transportation of pupils described*  
26 *in subdivision (a). The State Department of Education shall develop*  
27 *and implement procedures for the submission by school districts*  
28 *of information regarding their costs of home-to-school*  
29 *transportation of pupils. Commencing with the 2014–15 fiscal*  
30 *year, these costs shall be reimbursed through an appropriation*  
31 *included in the annual Budget Act.*

1 SEC. 2. Section 39820 of the Education Code is amended to  
2 read:

3 39820. (a) Notwithstanding any other ~~provision of law~~, the  
4 governing board of any school district may provide, beginning in  
5 the 1975–76 fiscal year, for the transportation to and from public  
6 school of pupils who have attained the age of three years and nine  
7 months and are enrolled in classes established pursuant to Chapter  
8 4.45 (commencing with Section 56440) of Part 30 *of Division 4*  
9 whenever, in the judgment of the board, transportation is advisable  
10 and good reasons exist therefor. A governing board may allow for  
11 the transportation of parents of pupils enrolled in these classes for  
12 the purpose of accompanying their children to and from the  
13 attendance center offering the early primary classes.

14 (b) School districts shall receive state reimbursements for the  
15 *full cost of the home-to-school* transportation of pupils described  
16 in subdivision (a) pursuant to ~~Article 10 (commencing with Section~~  
17 ~~41850) of Chapter 5 of Part 24~~ *Section 39800*.

18 SEC. 3. Section 41857 is added to the Education Code, to read:

19 41857. This article shall become inoperative on July 1, 2014.

20 SEC. 4. This act is an urgency statute necessary for the  
21 immediate preservation of the public peace, health, or safety within  
22 the meaning of Article IV of the Constitution and shall go into  
23 immediate effect. The facts constituting the necessity are:

24 In order to provide local educational agencies with  
25 reimbursement for the full cost of home-to-school transportation  
26 of pupils in time for the commencement of the 2014–15 fiscal  
27 year, it is necessary that this act take effect immediately.